

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BANK OF NEW YORK MELLON,

Plaintiff,

-v.-

ALFONSO AMELIO; SIGNATURE BANK;  
RALPH J. PELOSI, III; VALLEY  
NATIONAL BANK; NEW YORK CITY  
ENVIRONMENTAL CONTROL BOARD  
FIRST HORIZON HOME LOAN  
CORPORATION; JOHN DOE #1 TO JOHN  
DOE #10,

Defendants.

24 Civ. 6630 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On August 26, 2024, Defendant Mr. Amelio removed this case from the Supreme Court of the State of New York, Bronx County. (Dkt. #1). On November 6, 2024, the Court held a pretrial conference to discuss Mr. Amelio's notice of removal. At Mr. Amelio's request, the Court permitted him to submit supplemental briefing on or before November 20, 2024. (Dkt. #6). After generous extensions, Mr. Amelio submitted his supplemental brief in support of removal on January 16, 2025. (Dkt. #13).

On April 7, 2025, Plaintiff Bank of New York Mellon appeared in this action, arguing that this federal action must be dismissed and requesting a pre-motion conference regarding a motion to dismiss, in accordance with this Court's Individual Rules. (Dkt. #17). Because Bank of New York Mellon articulated its arguments for dismissal in its letter, and because the Court is familiar with the facts of this case, the Court dispensed with its requirement for

a pre-motion conference and accepted Bank of New York Mellon's letter as its motion to dismiss. (Dkt. #18). The Court requested that Mr. Amelio respond on or before May 7, 2025, and that Bank of New York Mellon file any reply on or before May 14, 2025.

Mr. Amelio has now filed an "emergency motion to: [i] void foreclosure sale; ii] retain federal jurisdiction; and iii] declare state forum inadequate"; a letter in opposition to Plaintiff's pre-motion request; and a motion for an extension of time to respond to the Court's order construing Bank of New York Mellon's letter as a motion to dismiss. (Dkt. #19-21). In making his request for a 30-day extension, Mr. Amelio asserts that the Court has "create[d] a perception of collusion or prejudgment" by "pressing ahead on dismissal." (Dkt. #21 at 4). But the Court has not prejudged the substantive issues in this case. Rather, the Court has taken care to hear the arguments of Mr. Amelio, including at the November 6, 2024 conference, by permitting supplemental briefing, and by permitting Mr. Amelio a lengthy period to respond to Bank of New York Mellon's arguments. And the Court will carefully consider the arguments Mr. Amelio puts forth in his submission in response to the motion to dismiss. The Court GRANTS Mr. Amelio the extension he requests. Mr. Amelio is directed to file a response to the letter motion for dismissal on or before **June 12, 2025**. The Court does not anticipate permitting any further extensions of this deadline after June 12, 2025, absent extraordinary circumstances. Bank of New York Mellon may file a reply on or before **June 26, 2025**.

The Clerk of Court is directed to terminate the pending motions at docket entry 19 and 21 and to mail a copy of this Order to Mr. Amelio at the following address:

Alfonso Amelio  
37 Main Street  
#337  
New Milford, CT 06776

SO ORDERED.

Dated: May 13, 2025  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

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KATHERINE POLK FAILLA  
United States District Judge